

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

SUNSTONE INFORMATION DEFENSE, INC.,
Plaintiff-Appellant

v.

**F5, INC., CAPITAL ONE FINANCIAL
CORPORATION,**
Defendants

2023-2091

Appeal from the United States District Court for the
Northern District of California in No. 4:21-cv-09529-YGR,
Judge Yvonne Gonzalez Rogers.

ON MOTION

PER CURIAM.

O R D E R

Appellee F5, Inc. (F5) moves unopposed for leave to withdraw from further participation in the appeal in light of settlement. ECF 53. Appellant Sunstone Information Defense, Inc. (Sunstone) moves for remand with instructions for the district court to consider vacatur in light of

settlement and to hold the appeal in abeyance pending the resolution of a motion for vacatur by the district court. ECF 56. We grant both motions.

We remand for the limited purpose of the district court's consideration of the motion for vacatur. We retain jurisdiction so that the parties may seek appellate review by notifying the clerk of the court within thirty days of entry of the district court's decision on remand. The appeal is held in abeyance pending the resolution of the motion for vacatur by the district court. Sunstone should promptly inform this court of the district court's ruling on the motion pursuant to Federal Rule of Appellate Procedure 12.1(b) and should propose how it believes the appeal should proceed in light of the district court's ruling.

IT IS ORDERED THAT:

1. F5's motion is granted;
2. The revised official caption is reflected above;
3. The appeal is removed from the February 4, 2025, oral argument calendar; and
4. Sunstone's motion to remand is granted to the limited extent explained above. The court retains jurisdiction over the appeal at this time.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 30, 2024
Date